

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**WAPP TECH LIMITED PARTNERSHIP
and WAPP TECH CORP.,**

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

**WAPP TECH LIMITED PARTNERSHIP
and WAPP TECH CORP.,**

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 4:21-cv-00670-ALM

Jury Trial Requested

Case No. 4:21-cv-00671-ALM

Jury Trial Requested

P.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court's Patent Scheduling Orders (670 Case, Dkt No. 37; 671 Case, Dkt. No. 33), Plaintiffs Wapp Tech Limited Partnership and Wapp Tech Corp. ("Wapp") and Defendants Bank of America, N.A. and Wells Fargo Bank, N.A. ("Defendants") (collectively, the "Parties") have met and conferred, and hereby submit this Joint Claim Construction and Prehearing Statement.

The claim construction hearing on June 30, 2022 will address U.S. Patent Nos. 8,924,192 (the "'192 Patent"); 9,298,864 (the "'864 Patent"); 9,971,678 (the "'678 Patent"); 10,353,811 (the "'811 Patent"); and 10,691,579 (the "'579 Patent") (collectively the "Patents-in-Suit").

I. P.R. 4-3(a)(1) Agreed Claim Constructions

Term	Agreed Construction
“system for testing an application for a mobile device” ('864 Patent, Claim 1) ('678 Patent, Claim 45)	The preambles are limiting; plain meaning
“system for developing an application for a mobile device” ('192 Patent, Claim 1)	The preambles are limiting; plain meaning
“application” ('192 Patent, Claim 1) ('864 Patent, Claim 1) ('678 Patent, Claim 45)	Plain meaning
“simulate” ('192 Patent, Claim 1) ('864 Patent, Claim 1) ('678 Patent, Claim 45) ('811 Patent, Claims 1, 8, 22, 24) ('579 Patent, Claims 1, 7, 19)	“emulate”
“simulating” ('579 Patent, claim 11)	“emulating”
“emulate” ('192 Patent, Claim 1) ('579 Patent, Claims 14, 26)	Plain meaning
“simultaneously visually [simulate/emulate], via one or more profile display windows” ('192 Patent, Claim 1) ('678 Patent, Claim 45)	“emulate simultaneously, and display one or more windows showing resources of the mobile device that are available to the application”
“simulate, via one or more profile display windows” ('864 Patent, Claim 1)	“emulate, and display one or more windows showing resources of the mobile device that are available to the application”
“configured to” ('192 Patent, Claims 1, 2) ('864 Patent, Claim 1) ('678 Patent, Claim 45)	“actually programmed to”

Term	Agreed Construction
“the software” (’678 Patent, Claim 45)	The antecedent basis for “the software” is “a software testing interface” in Claim 45 of the ’678 Patent.

II. P.R. 4-3(a)(2) Proposed Constructions for Terms in Dispute

Attached as Exhibit A is a chart showing Wapp’s proposed constructions of each disputed claim term with intrinsic and extrinsic evidence upon which it may rely to support its proposed constructions.

Attached as Exhibit B is a chart showing Defendants’ proposed constructions of each disputed claim term with intrinsic and extrinsic evidence upon which Defendants may rely to support their proposed constructions.

All Parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by any other Party. In addition, each Party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by any other Party, or for other good cause.

III. P.R. 4-3(a)(3) Anticipated Length of Time for Claim Construction Hearing

The Parties anticipate the length of time necessary for the claim construction hearing will be about three hours, divided equally between the Parties.

IV. P.R. 4-3(a)(4) Anticipated Witnesses at the Claim Construction Hearing

The Parties do not propose to call any witnesses, including expert witnesses, at the claim construction hearing.

V. P.R. 4-3(a)(5) Other Issues to Be Addressed at a Claim Construction Prehearing Conference

The Parties are not aware of any other issues at this time that might be appropriately addressed at a prehearing conference prior to the claim construction hearing.

DATED: April 7, 2022

Respectfully submitted,

/s/ Leslie V. Payne

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via email on April 7, 2022.

/s/ Leslie V. Payne
Leslie V. Payne